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THE EDUCATIONAL AND CORRECTIONAL TREATMENT

OF

JUVENILE DELINQUENTS, AND OF DEPRAVED, NEGLECTED,  
ABANDONED, AND OTHER CHILDREN IN DANGER  
OF FALLING INTO A CRIMINAL CAREER.

BY

ELISHA HARRIS, M.D.,

CORRESPONDING SECRETARY OF THE PRISON ASSOCIATION OF N.Y.



[A REPORT BY REQUEST.]

REPRINTED FROM THE TRANSACTIONS OF THE THIRD ANNUAL REPORT AND TRANSACTIONS  
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THE EDUCATIONAL AND CORRECTIONAL TREATMENT  
OF JUVENILE DELINQUENTS AND OF DEPRAVED, NEGLECTED,  
ABANDONED, AND OTHER UNFORTUNATE CHILDREN WHO  
ARE IN IMMEDIATE DANGER OF FALLING INTO  
A CRIMINAL CAREER.\*

BY ELISHA HARRIS, M.D.,

Corresponding Secretary of the Prison Association of New York.

It has pleased the committee on preventive measures against crime to request a reply to the following question: "*Are different classes of institutions required for the treatment of children who are only in danger of falling, and children who have actually fallen, into crime, etc., etc.? If so, how should such institutions be severally organized and conducted?*"

This is a complex question, and it is impossible to make a suitable reply to it without reviewing the numerous conditions, variable and interdependent, which involve a great variety of inconstant circumstances of the educational and mental, and the social and moral state of the children, who may and should be

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\*The author finds the reasons for making this report are well stated by the distinguished gentleman who requested it as Chairman of the Committee on Preventive and Reformatory Institutions for children and youth. In his opening of this series of reports and papers, the Chairman, Hon. GOVERNOR HAINES, remarked:

"A distinguished statesman and jurist has recently said that the imprisonment and punishment of criminals with a view to their reformation is one of the most wise, "benevolent, and noble of all the objects of social science. He might have added, if "punishment and reformation are of such importance, who can estimate the value of "those preventive agencies, which rescue children and youth from the influences "which lead directly to crime and to the necessity for punishment?"

"Preventive and reformatory institutions are not, however, to be regarded as places "of punishment but as schools of correctional education. No punishment is inflicted "in them except for the violation of their rules. In them the young, who, from desti- "tution or the culpable neglect or evil example or vicious commands of parents, are "exposed to temptation and corrupt influences, are rescued from these perils and "placed under proper guardianship. In them the ignorant are taught, the vicious re- "strained, the desponding cheered, the hopeful encouraged. In them industry be- "comes habitual, and good citizens are made of those, who would otherwise become "pests of society, following their own evil propensities, or becoming the victims of "more practised and designing offenders."

brought under judicial control or other than parental training and their correctional care.

The form of reply which at the present time and for our American communities should now be given to the inquiry here proposed, may certainly be greatly modified at some future time. We safely predict a future of higher and more perfectly organized social life in all the American states, when the institutional methods of child care and juvenile correction shall have taken the most advanced place in the social and physical improvements of communities.

May we not justly look forward to the time when the very sources and controllable causes of the evils which now so forcibly present to the public this great question of legally enforced correctional education and reformatory training, will be so recognized in the bosom of society and in the physical and mental qualities and abnormal circumstances of the individuals and all the classes to whom this question directly refers, that by appliances more natural, effectual and final in their operation, than any which can be applied by artificial institutions, these evils shall be repressed and healed, and, as generally as possible, prevented, by the more perfect agencies of family and home? The children of misfortune, vice, criminal and ungoverned propensities, and faulty organization of the bodily and mental faculties and moral feelings, are alike the penalties and proofs of deep wrongs and great errors in the unwritten history of family heritage and the social state.

We have to do with the dangers and misfortunes of society as they are now presented and, for generations to come, are sure to recur. Bodily health and complete soundness of the mind and the individual organization do not fall to the lot of more than about half of all who attain an age at which criminal acts are possible. Some are victims of irritable and morbid unrest and a defective balance of bodily and mental endowments; vast numbers of children and youth suffer from an entailed curse of morbid excitability, perverted appetites, fickleness and feebleness of the will, and from a corresponding instability and feebleness of all the moral attributes:—such, for example, as the blighting, ceaseless curse bequeathed by drunken maternity and by gross and brutalized fathers.

Crimes and offending in every form, and the burden of the dependent, morbid, dangerous, and vicious classes will continually admonish communities as well as families, that the source and the awards of supreme law are immutable and divinely just. In the following statements, the occasional assertion that certain facts in the history and correctional treatment of different classes of offenders should be decided upon with scrupulous regard to the bodily and mental disorders which they evince, will not be misunderstood, for the symptoms, evidence and treatment are not to be determined and defined by a technical or equivocal phraseology.

Judicial good sense, medical and physiological knowledge, and the trained judgment of experienced instructors bear out this view of our duty to juvenile delinquents.

The fact that some children evince, at the earliest periods of their rational actions, and until mature age, a tendency to vices and offences, which is with difficulty repressed and if not assiduously guarded and corrected, becomes hideously criminal in adult life, and the fact that the naturally good and sensible child may *without discernment* or vice, in early years, and at any period before the powers of judgment are fully organized, if under the influence of disease or special kinds of excitement, commit offences and crime, is an evidence of the practical importance of the questions herein treated.

The questions submitted distinctly refer to :

- (1) Children in danger of falling into a criminal career.
- (2) Children actually guilty of criminal acts.

In order to use only such phraseology as will have fewest exceptions in regard to literal correctness, we will employ the term offence rather than crime.

The two classes as here mentioned are separate and distinguishable from each other only in respect of mere technical acts. No reference, in these two groups of children, is had to their personal characteristics ; but as the first step towards a correct answer to the questions now proposed concerning treatment, we have to seek a classification of the various groups of characters on account of which any such inquiry can arise. Even had society advanced to that higher state wherein the true method of saving would be the actual home-care and culture in families,—prevention, in fact,—still there would be need of some rational grouping and differential treatment of the individual characters. This care and discrimination give us the key to some of the marvels of reform and cure, and of an evolution of noblest qualities in many a waif which the juvenile asylum, the houses of refuge, and the workers in the field of child-planting in the west and in rural homes otherwhere, mention as trophies of their good work in each annual report. In many a homeless child there flows the blood and exists the inherited endowment of exalted attributes and unusual perfectness of the bodily organism. The genius of the matchless D'Alembert and the heroic and religious life of the missionary Morrison were once all hidden in the homeless child's fate,—a fate which the plans of God made resplendent with gifts which few men possess.

In our answer to the second part of the proposed inquiry, namely, the question concerning institutions and training, we assume that mere homelessness and destitution of children who do not evince unusually vicious propensities, and who have done no acts in the nature of crime, will not be under our consideration. These are simply pauper or homeless ones, and they must, by every community where found, be domiciled in true homes, and if possible, in separate ones.

No classification of juvenile delinquents according to the nature and name of their acts of offending, nor by mere differences in age as reckoned by years and months, will so well serve the purposes of our reply as a grouping according to *characteristics and actual conditions of body and mind*: Therefore we allow the latter rather than the former or any other distinctions to be the basis of classification of the children and youth requiring reformatory education and training. Let us attempt such a practical classification.

*Grouping by characteristics of the children who require reformatory care.*

I. Children who already evince strong individual tendencies to fall into vicious and criminal acts, and are so unguardianed or homeless as to be subject to legal custody before committing acts in the nature of crime; children of this kind who have already begun vicious courses; and children whose mental and general organization is characterized by feeble resistance (feeble will), and who have been overborne and led to commit offences against the laws, and who tend to fall into crime because already they commit offences *without discernment*:—These are all morally feeble children and in most respects require methods of educational and physical training which may permit them to be associated together for a time.

II. Children who though of naturally good powers of body and mind and no unusual tendency to vicious acts, are, at an early age, before judgment and the will are fairly organized, *without discernment*, overborne by temptation or emotion, and thereby led to commit offenses against the laws, but who seem truly to repent and seek to avoid the causes of such offences as soon as they comprehend them. These are children who must be kept from the records and publicity of correctional treatment and be cured wholly by education and industry. The few of this class who are casually homeless or vagrant, and liable to be committed as offenders by magistrates, will do better *out of* houses of correction than *in* them, as soon as home and school can be provided for them.

III. Children with vicious and dangerously depraved minds and habits, acquired or entailed, and whose vicious tendencies and character require correctional training by special methods not entirely applicable and prudent for the children in the 1st group, and not needed for those of the 2d, and whose presence and intercourse with those groups would be harmful, as shown by the kinds and the repeated perpetrations of vicious or criminal acts. These are sources of vicious contagion and moral pestilence; and the three groups comprise all children that are justly subject to a judicial commitment to a reform school or refuge for correctional training. Guardians, poor law officers, and even parents may incur the risk of securing domiciliary asylum and instruction for other kinds of children in such reform schools, but it may be doubted if the laws should permit them to do so except in the instances where all vicious and corrupting offenders are effectually separated from the others.

The *first* of the three groups here mentioned is most numerous. It is readily handled, and if as the training and evolution of the children progresses, certain individuals evince the corrupt and dangerous characteristics of the third group, such individuals should be separated until cured. Such discovery of dangerous tendencies can and should be made so early that injury to others shall be prevented. Parents, guardians, and teachers need to understand this duty thoroughly, and if they do, the means of cure will be adequate and simpler, for the very process of separation and of remedy will develope the moral nature and enlist the efforts of an unfortunate child in its own recovery. Certainly the mental and bodily circumstances of all the children offer no great barrier to the successful treatment of them, when of similar ages and general social history, in one and the same institution. But if any institution which so admits a greater number of inmates than will, from first to last, be under the individual influence and daily observation of the responsible head of the house or that branch to which admitted, then evils may result from the commingling of those who have fallen and those who tend to fall. For even the child that offends *without discernment*, and the children that tend to fall, may re-act unfavorably on each other, unless under a wise master's sway and the continual preoccupation of each mind and of all the developing powers of each body and mind.

The conclusion on this point must be that the mere fact of a child's offending, even in a criminal degree, but *without discernment*, as the French code defines such acts, cannot be regarded as the proper basis for its separation from all other children, and especially not from those who tend to the same kind of offences and would probably perpetrate them if exposed to like temptations. Yet particular offences, especially those incited by certain kinds of mania and perversion of senses and emotions, such, for example, as may be evinced in arson, in cruelty and violence to domestic animals and to lower animal life, certainly require the separation and special training and care of the offenders.

The *second* group, as here defined, presents the cases which always merit mercy and the entire avoidance of public shame. They are naturally good children, mostly too emotional, and when offending are more often in disturbed than in good health. The nature of some particular offence by a child of this kind may require that the law should take its course, but the law itself is cruel and may produce criminals if it does not also provide a way of escape for the child as soon as the situation of the offender and the forms of justice can be reasonably adjusted. Such young offenders, if committed under formal sentence, may safely be treated with the first, but not with the third of the three divisions.

The *third* group—before their reformation—should not be associated with other children. Yet they are not so hopeless as they may seem to be. They are wonderfully susceptible to certain

benign influences and methods of curative treatment. The separation which must be made between them and all other children until their own habits and vernacular of vice are subdued does not need to last long; but in no public institution or private charity can the commingling of these moral pests of contagious vices, of word picturing, and of gross lasciviousness and profanity be permitted. They must be, for a time, treated separately in some manner; and if practices of a criminal nature, minute familiarity with and appetite for methods of crime and vice, and a fondness for leadership in such things exist in any child or youth who is to be committed by the court, then should the custody and training be intrusted only to experienced and discreet hands.

Now it occurs in ordinary experience that before the police magistrates and the other courts, there will be found all kinds of children jointly or separately accused of like offences. Such commingling of widely different characters may not be discovered by the court, and unless great discretion is used in the institutions to which they are committed, unless, indeed, each child is brought under individual influence and observation by persons devoted to and expertly qualified for saving children, this commingling of the harmless and the bad may be a destructively permanent condition. I have seen three such juvenile offenders locked in the same cell in jail for months, and at last committed to the same reformatory, while only one of them, at the time of arrest, had ever done or desired to do any criminal act, and the youngest of the three was not even naturally vicious, but that one is now an abandoned and habitual criminal in the state of New York, which did that crime against a child 15 years old, and by this misjudged treatment made a professional criminal.

Such commingling of offenders will frequently occur in the police courts, and may, for a period, be inevitable even in institutions; but shall the errors or the inabilities of magistrates who must commit young offenders and vagrant waifs agreeably to forms of law be allowed to keep permanently the harmless with the harmful, so that the former shall be destroyed while the young destroyer becomes the more confirmed in evil by becoming instructor and leader in criminal conversation? Why shall not the laws under which the courts commit to the reformatory institutions also submit the same children to a formal decision of experts who have to deal with the children after the magisterial decision concerning the nature of the offence or the wants of the child. The superintendent and managers of the Ohio reform farm-school at Lancaster have a certain discretionary power of this kind, although they beg that no good and harmless boy be sent to that institution, and in a recent report the superintendent says, "the law strictly requires that the inmates shall be the vicious or the criminal." In that reformatory we see young convicts occasionally transferred from the state penitentiary on the one hand, and, on the other, see magistrates of criminal courts waiting the decision

of the farm-school commissioner respecting the admission of any child for whom there is no other place. The courts are rarely sufficiently informed respecting the inner or even the bodily condition of the offenders to enable them to do the best that can be done for them. The police justices and sessions courts in the city of New York and the courts in Monroe county are certainly doing far better than they once did, but generally in the state of New York, this kind of discrimination of duty to the child criminal and juvenile offender is not entirely successful. I recently saw in an interior county an innocent, bright-faced boy of 13 years in the penitentiary as a vagrant, because left utterly homeless at the death of his father. No offence had been committed. In the police court two lads were arraigned and one sentenced for petty larceny, to pay a nominal fine, and the other was given the favor of a suspension of sentence though his social and moral condition required a home. At last, by the kindness of a citizen, he found one.

In one of the houses of refuge in New York, a few months ago, there were found six children, all descendants from an intensely depraved and criminal family in the preceding generations, and in two or more of those children there was a noticeable maturity of crime seldom witnessed in the felon convicts of a prison. The eldest, a girl past 16, had been a mother before commitment to the refuge and was an adept in all the vices of degraded females, a trained thief and a helper in burglaries.

In a county almshouse in 1872, the writer found two girls committed as vagrants, and who had become so dissolute and offensive that the circuit court had sentenced one to the house of refuge for her vagrancy when escaped from the "poor farm," while the other was found tied with cords to prevent her escape.

In an interior county a child of 9 years was known as Jinx's baby and was the second illegitimate child of a young pauper, and on the oath of a wag that the little pauper child had stolen an iron spectacle frame, the court sentenced the child to the house of refuge.

In another county, a child still younger was falsely accused of larceny by its new step-father, and was thereupon sent to the house of refuge for the convenience of the new master of the family. He is a bright and beautiful child, *without discernment*, and innocent of wrong.

The writer could present numerous cases known to him, of the commitment of harmless children to institutions where, from first to last, their association was with vicious offenders. Various evils that are experienced in the official handling of offending children, especially in congregated numbers, might be mentioned, but such evils should not be interpreted as the result of official incompetence or indifference. The most devoted and enlightened father, and the most affectionate and prudent mother may fail to prevent

their child from falling into seductive snares, and from the consequences which follow the first yielding to temptation.\*

How much more uncertain of success must be the best efforts of magistrates who commit, and teachers and wardens who are charged with the correctional care of juvenile offenders. Individual efforts, and even parental affection may fail to save a morbid and perverted child. The prescribed regulations of a correctional institution may also fail; but when, by proceedings in law, or otherwise, society, by organized methods, takes in hand the task of treating offending children, every consideration of duty to the child, the parent, and the people, demands that the greatest skill and best resources for saving such child shall be applied. Large and varied experience in all christian nations seems to have settled the fact that true economy,—financial and social,—cannot be satisfied with any methods or institutions, which do not save and establish in useful and virtuous life the greatest possible number of the children who are brought under educational and correctional care.

Proceeding now to examine the particular questions relating to the classes and the necessities of the children that must be treated by other than parental hands, we need to give full assent to the fact that *savers of men* are always *individuals*, and not corporations, and that the key to success in any reform school, house of refuge, or penitentiary is found to consist in some sort of personal influence by means of which the child thus reached and influenced, is induced to desire and strive to overcome the faults and feebleness which caused offense, and to acquire knowledge, virtue and strength; and thus the offender, being enlisted in the effort to acquire excellence and overcome evil, becomes transformed into a newness and strength of saving desire and effort in accordance with the divinely appointed laws of our being.†

\* One of the greatest masters of human physiology and mental science, in treating of this subject, has recently remarked, that "our propensities and passions, not being evil in themselves, but evil only in their excess and misdirection,—it is wonderful what effects may be produced by the judicious *guidance* of their energy towards innocent or worthy objects. A latent nobleness and vigor of character not unfrequently shows itself under such treatment of youths who have been, (in a manner), forced into antagonism by the ill-judged sternness of parents, and who, when left to themselves, have committed extravagances of conduct that have caused them to be stigmatized as hopeless outcasts: while many a naughty girl who has been driven by mismanagement into rebellion at home, has been moulded into an admirable woman by the skilful discipline of a wise schoolmistress."

† The great physiological teacher quoted above has recently remarked, that, \* \* \* \* \* The experience of those who have undertaken the noble work of juvenile reformation, has satisfied them that the cases are few, if any, that there is not 'a holy spot in the child's heart,' on which an impression may be made by appropriate suggestions; and that by following the method of the good nurse, the power of self-control, which seems in the first instance altogether absent, may be awakened and cherished, the lower propensities repressed by a judicious mixture of restraint and distraction, and the higher tendencies called by the genial warmth of sympathy into full activity, so that the little reprobate most truly becomes 'a new creature'; \* \* \* \* \* It is by the *assimilation*, rather than by the *subjugation*, of the human will to the Divine, that man is really lifted towards God: and in proportion as this assimilation has been effected, does it manifest itself in the life and conduct; so that even the

Accepting this fundamental fact, what do we find in human experience that either opposes or permits doubt upon the sources of success and efficiency in institutions for the correctional training of children? Does not all experience prove that such institutions are successful only in proportion to the operation of supreme influence of the individuals who devote themselves to the treatment of the child-inmates?

Neither the state nor corporations can ever be successful in the correction and reformatory training and care of children except as they render them available to the skill and devotion of *individuals* in the duties of saving them. Hence, in all that relates to institutions for juvenile correction and training, this essential influence of individuals who are engaged in the saving efforts will claim the first place, and the organization and methods of the institutions must be subordinated to this first and supreme condition.

All child institutions and reformatories must provide:

- 1st. That the institutions and their methods shall neither do nor permit harm to the children; and
- 2d. That they shall be suitably adapted to save and prepare the children for useful lives.

The question here arises whether there may not be individuals so gifted and prepared for the work of child-culture and child-saving, that, by placing all kinds of disorderly and offending children in their care, under proper sanction, one reformatory school, or one and the same class of institutions, might suffice for a whole state.

Certainly the experience of the great and noble Demetz, at Mettray, and of Wichern and his trained brotherhood of the "Rauhe Haus," proves that this question may admit of an affirmative reply; but the men of such marvelous aptitudes and consecration for this work cannot yet be found in sufficient numbers to accept the care of the whole field in any of our American States. Even the miniature state of Rhode Island finds it difficult to apply, in its single juvenile reform school, all the varied methods and influences necessary for the vagrant and criminal children committed to it; yet, with a total number of less than 150 inmates, the task is there faithfully undertaken with fair results. In like manner, the Connecticut industrial school for girls, at Middletown, gives an illustration of a near approach to entire success in training a hundred vagrant, vicious, and criminal girls in a single institution; but that is modeled on the family-cottage plan with a variety of manual industries, and three or four well-organized homes, in which the girls enjoy all the influence of foster-mothers and learn the arts of house-keeping.

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lowest actions become holy ministrations in a temple consecrated by the felt presence of the Divinity. Such was the life of the Saviour; towards that standard it is for the Christian disciple to aspire." DR. WM. B. CARPENTER, on the *Influence of the Will on the Conduct. Principles of Mental Physiology*, p. 428. Appleton's Edition, 1875.

Whether in these small and successful models of single institutions for all grades of juvenile offenders and estrays, or in the larger houses of refuge, or the great protectory for children of Roman Catholic parentage, with its 2,000 inmates, the fact is noticeable that success and permanently good results depend on the personal devotion of the *individual teachers and care takers*, and upon some sort of grouping and grading of the children. The liability or probability of failure in the reformatory and educational endeavors in any given institution can be predicted and measured by the lines and degrees of failure of the individual care and influence of the persons in charge of the erring and needy inmates.\*

The questions relating to separation, to grouping, to the cure of vicious propensities and habits, and to the partial and temporary, or total isolation or moral quarantine of children in reformatories, are complex enough as we meet them in common experience, but not as difficult to be grasped by the physiologist and physician as by theorists in morals and in mental philosophy, who may be ignorant of those laws of the physical nature and physiological tendencies in the child, by which the skilful teacher and competent trainer of wayward and offending children overcomes evil with good. With this remark, made in this place to relieve the following conclusions of any misapprehension, we will close our statements respecting classification of correctional institutions and their inmates by answering two questions concerning the vicious and diseased children who need to be separated from the others.

(1.) What moral and other personal characteristics of an offending child require an entire separation from others?

*Reply.*—Lasciviousness of manners and conversation; brutal passions; familiarity with and fondness for vicious and criminal exploits, or a leadership of others in such matters; excessively depraved or disordered cerebral and mental organization; and extraordinary propensities to vice and crime, especially if known to be entailed traits. Generally, and, if practicable, always, should such children be regarded as dangerous and injurious to other classes of children; their personal influence on others is and must

\* The Ohio reform school, and the New York juvenile asylum enjoy adequate authority and privileges for the exclusion of classes of children which do not respectively require their special kinds of training, and particularly whose presence would be harmful to themselves or to others. The former institution is not designed for innocent children. Its superintendent and managers protest that real offenders only should be admitted there; while in the latter institution the spirit of a great family of pure-minded children, and a well-graded school prevails, free from the taint of criminal and depraving conversation, and the habits of criminality. The supervision of the graduates from these two institutions is specially different, yet perfectly adapted to the respective classes which they represent.

The state visiting agency for the state's children in Massachusetts, the more natural and successful system adopted by the founder of the reformatory at Mettray, the methods adopted by the "Rauhe Haus" and the pupils of Wichern, and the methods of the children's aid society of New York, serve to illustrate the merits of the other systems of home-transplanting, and the supervision of refuge children. Each of the systems has special usefulness and adaptations, but the difference in their merits is certainly very great.

be pernicious. The dangerous traits of such children may not become manifest until they have come under observation and study as committed delinquents.\*

(2.) What diseases of juvenile offenders should be regarded as sufficient cause for separation from either of the groups, and from which particular one?

*Reply.*—The influence of the morbid phenomena of certain diseases of the nervous system is so injurious upon the susceptible and well-disposed, as well as on the irritable and perverse children, that an infirmary department seems to be indispensable in a large institution. Prudently managed, it may have every source of enjoyment and industry. Epilepsy, chorea, certain degrees of mental feebleness, especially such as is found associated with entailments from drunken parentage, hereditary or acquired syphilitic disease, etc., are the maladies that require constant infirmary treatment or hygienic regimen and a modified allotment of industries. Experience has abundantly proved that the true economy and good discipline as well as the sanitary and moral welfare of all correctional schools are promoted by the separate treatment of such offending children as are suffering the misfortunes here mentioned.

#### CONCLUSIONS.

1. Children who have fallen into petty offences, *without discernment*, but are subjected to legal custody for their acts, need not be separated from the classes of children that are placed in the keeping of special institutions because of their danger of falling into crime. The only exceptions to this conclusion are those which relate to juvenile offenders who evince abnormal degradation and vicious propensities and habits, and those afflicted with the special diseases that endanger the welfare of other

\* Two instances which came under my own observation may illustrate this point sufficiently: Several years ago, a bright-eyed and remarkably lithe and quick-witted boy, of about fourteen years of age, was committed to one of the houses of refuge in this state for a minor crime against property in his native village. No one would have suspected his excessively depraved criminal propensities.

Soon he gave masterly aid in organizing a daring escape from the refuge, and the scheme was entirely successful. Some five or six years subsequently to that event in which a large number of the boys gained freedom by the skill of their adroit comrade, I saw this lad, still a beardless youth, on his way to prison, after having been arrested many times for high crimes. He had already spent two years in state prison and resumed his wonted offences as soon as released. He was the son of a thief, and had been taught and helped to steal, by his mother from early childhood. [The writer visited the parental home of this prisoner, and received full corroboration of these facts from the mother and a sister.] This lad was a natural leader, the acrobat and gymnast of the refuge and of the prison, and unfortunately, an epileptic.

The second case is that of a lad who is now a confirmed criminal, now in Auburn pris on a second term for daring crimes against property with violence, and who, at the age of about fifteen, was sent from a county jail to the house of refuge, already a mature projector and actor of crimes. In the refuge, he united in devising crime, and when on the eve of enacting it, was detected. He was only second to the acknowledged leader among the boys of the institution. His vices and dangerous tendencies were easily recognized in the town where he was reared.

children. The essential questions concerning all these children are at once physiological and educational, and they are inseparable from the moral and reformatory considerations which must be had in view in the treatment of such children.

2. Normally good children who, *without discernment*, are overcome by sudden temptation, and thereby are brought under the direction of courts, but after adequate proof are found to be so sound in body and mind, and so truly penitent as to warrant an expert opinion that their offences will, in all probability, never be repeated, certainly should, by some form and provision of law, have all the benefits of such an opinion; and whatever the judicial decision may be, concerning their custody, such sound and hopeful children should not be associated with the degraded and vicious, who are described as the *third* group.

3. The vicious, corrupt, and habitually offending children and youth, as defined in the *third* group, found in juvenile reformatories, are in numerous instances sufficiently well known to be of such depraved character, and to have fallen into such habits as warrant the courts in preventing them from being committed to any reformatory in which pure-minded and innocent classes of children would be associated immediately with them. The commitment of sexually or even mentally debauched young girls to the moral quarantine of the house of the Good Shepherd instead of to the juvenile asylum, the house of refuge or the catholic protectory, in New York, illustrates this point. In such instances, this kind of separation should be enforced. The dire alternative of a penitentiary is better than the hazard of doing harm to a Refuge which contains other children than those especially depraved.

4. The question whether a single industrial reformatory may not successfully undertake the care and treatment of all classes of juvenile delinquents must, as a separate question, be answered in the negative, but the successful separation and necessary reformatory treatment of the small class which are harmful and dangerous to others, has been and may be effected by the best managers and most independent of the reformatory institutions. This is mainly a question of adequacy of means and of genius, as well as of unfettered authority of the superintending officers of the institution, as respects all details of its internal affairs and development.

5. The circumstances under which the public institutions for juvenile offenders are founded and managed, the defective and variable methods by which the custody and training of such children are effected, the state of common schools for the pauper and truant classes, the operation of truant laws, and especially the extent and operation of the voluntary organizations for such children as are described in the first of our three groups, deeply

affect the main question in regard to the development of an adequate system of care and training in a single institution.

6. The question who are to be the superintending FATHER and MOTHER of an institution, and what facilities and authority they will have for any necessary kinds of classification and family discipline in the treatment of the children committed, is of the very first importance. The question whether two distinct classes of institutions in any state shall be established for the correctional training and education of children, seems to depend chiefly upon the nature of the answer given as to the genius and character of the head of the institution. The ultimate conclusion must be in favor of that decision which shall, in the given circumstances, secure most effectually the complete safety of the harmless and most hopeful, the domestic and group separation of the corrupt and harmful, and which, for the latter as well as the former, provides the most certain and effectual reformatory and general good results.\*

7. The provisions for necessary separation and classification in the institutions, certainly should be such as shall prevent any corruption of the innocent and the hopeful, by the vicious and criminal groups, and yet the examples and virtues of the best children, ought to be brought to the attention of the depraved and dangerously corrupt children by safe and reasonable methods.

8. The questions involved in the correctional education and discipline of offending and depraved children are too complex to admit of inflexible rules in regard to the degrees of separating and of congregating the groups of juvenile offenders.

9. Rules and plans of juvenile reformatories must be sufficiently flexible to secure the greatest good to all the children under treatment. They will be effectual for good in proportion as they recognize the fact that the personal presence and supreme influence of the instructors and superintending officers surpass all artificial arrangements. No skill and artifice of a system for child-culture and child-saving can be commended unless this supreme importance of *individual* care and influence is recognized in all that relates to the system, and the administration of the institution under it.

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\* The question what particular system of classification may be most advantageously adopted in order to secure the best results in the juvenile reformatories of a State, or in any single house of refuge, cannot be answered in the mere formulaires of statutes and judicial rules. The best magistrate or parent may err in the evidence on which the first commitment to a reformatory is based. The expert instructor and superintendent will soon discover, if he has suitable counsel, what is the real nature and extent of the evil in the delinquent's bodily and mental condition, for which treatment and medical culture are required. Hence there should always be a reserved authority vested in the superintendent and the courts to re-adjust such conditions of place and terms of legal custody and care as are finally decided to be necessary for the best results.

10. To attain the best results, as regards the children committed to the institutions, to possess the means for suitably classifying and training them, and especially to make the experience and methods of reformatory schools sources of instruction and influence to the people generally, and to all teachers of children, there must be some recognized plan and place for normal reform school-training of instructors and officers of reformatory institutions for children. The rich experience of Wichern of the "Rauhe Haus," and of Demetz, at Mettray, cannot be repeated except the excellent example of their training of their staff of teachers and subordinate officers is likewise followed. In regard to ways and means for providing such training of young officers and instructors, we must look to the best of the reformatories, and to the noblest minds among their superintendents, to organize and conduct this required training of the young trainers. There must be an American Demetz, a New England Wichern, and a Mary Carpenter of the United States. The spirit and example of the Saviour of men must inspire such a consecration of organizers and instructors. The juvenile reformatories, and the training schools for degraded children, even under our common school and truancy laws, will continue to be in an unsatisfactory and transitional condition, until the duty and art of teaching such children, are raised to the dignity of a vocation by specially qualified persons.

11. The conclusion which, in the present condition of the laws, may be stated in regard to the plans of organization and management, takes the form of an *appeal in behalf of the children* who are held in the legal custody of the existing institutions. This conclusion is, that not one of them shall be permitted to be lost or wronged. To this end, it is necessary that courts and officers under the law, as well as the teachers and humane workers among the poor and vicious classes, and the managers of the reformatory and industrial institutions shall devise effectual measures for bringing every child of the institutions under the power of such individual love and protection as will not be overborne by surrounding evils nor by misfortunes inherent in the child's own bodily and mental organization. The selection of the most suitable of any available institutions, by officials concerned in the commitment of children, the classification of the inmates to any necessary extent, the medical examination and formal opinion thereupon which should be given in the case of every child before a decision is made by the court, and before the question of classification or special remedial treatment is decided upon in the institution, would seem quite practicable, without multiplying in an expensive way, the number of reformatory institutions to which the courts shall commit juvenile delinquents. The best methods of administration of such reformatories as retain young offenders for training can be attained only by competent and specially skilled superintendents and managers, whether by

means of classification and grading, or by a family-colony system, or otherwise. But as regards all committed children who are ascertained to be sufficiently free from criminal tendencies to warrant their being transferred to an industrial school, a farm and family, or to other decent homes, no detention in the reformatories can be justified under any plea. The recognition of this principle by the managers of the houses of refuge and other reformatories would greatly diminish the total number held in their custody, and would lead to the more perfect organization of the needed industrial and kindergarten training schools, and to the best methods of family distribution and home-planting of the needy and friendless children who, if left to their fate or to association with depraved and criminal children, would be in imminent danger themselves of falling into a criminal career.

12. The final conclusion, derived from the teachings of physiology and from laws of the mental, moral, and physical nature, which determine human conduct, is, that congregate methods of reformatory education should not group and treat together any other children than those who need disciplinary and correctional education *by such methods*. Therefore, it appears to be plainly a duty of the people in each state to provide the proper facilities and laws for industrial school training, the correctional culture of all friendless children who have fallen into gross depravity or crime, and to require that whenever the courts or the reformatories discover that children of the former classes have been committed with those of the latter, they shall be properly transferred to philanthropic care in private homes or in the industrial and other training schools; and further, that the official inspection and legal regulation of all such schools and all the indentured or apprenticed children who are released from custody, shall be faithfully maintained at the expense of the state, as a duty which it owes to its children of misfortune.

Any state which does not maintain such a supervising agency for industrial schools, and for indentured children who have already passed through the ordeal of courts, should at least provide by statute for the necessary authority and means to maintain such supervision, either delegated to most trustworthy philanthropic hands or to other specially skilled agencies, to be held strictly accountable for a faithful record and a yearly reporting until of age, of every child the state commits, puts out or indentures; for the state stands in *loco parentis* towards every one of these, its homeless or offending children.\* With these means of supervisory guardianship effectually organized, the vexed ques-

\* The Massachusetts State agency for the guardianship of its juvenile waifs and offenders under Colonel Tufts, illustrates at once certain great advantages and some imperfections of an exclusive dependence upon a formal agency of the government; while the delegated methods adopted at Mettray, by the "Rauhe Haus" at Hamburg, and by the Ohio farm school, and especially the means adopted by the juvenile asylum of New York, sufficiently illustrate other modes of conducting this duty.

tions concerning correctional and saving treatment of the various classes of children who offend and are in danger of offending against the laws, will be simplified and solved, and love, hope, health, and individual culture and self-reliance, resulting from such judicious treatment, will prove that the state's care for its children of misfortune and vice should be altogether parental and saving, and that not "one of these little ones" should in any manner be harmed by methods of treatment enforced by its laws and administered in its courts, reformatories and schools.

We have thus answered, to the best of our ability, the essential points in the question propounded to us by Hon. Judge Haines, chairman of committee on preventive and reformatory measures. And the writer should state that in the foregoing reply and its classified conclusions, every statement is based upon a studious inquiry into the bodily, social and psychological condition and history of juvenile delinquents and the criminal classes. Therefore, these propositions and conclusions are designed to enunciate in precise terms, the principles and the objective points which should ever be kept in view in the treatment of the children of misfortune, in whom vice and crime shall be prevented by the operation of such culture, love, piety and hope as restore the Divine image in the human soul. Perfect details of successful organization and management in correctional education will ever depend upon the basis of natural laws of healthy development and habit of the bodily, mental, and moral powers in their coördinate relations as indicated in this report. Whether such culture and healthy habits be secured in the christian family, the industrial and kindergarten school, the cottage-colony, or amidst the perils of a single great congregate Reformatory, the saving culture and best possible development of every individual child should ever be the supreme object.







